

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

FILED
NOV 13 2018
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 11/13/18 DEPUTY CLERK

GEORGE OTTO CARL RILEY,
Plaintiff

-VS-

NANCY A. BERRYHILL,
ACTING COMMISSIONER OF
SOCIAL SECURITY,
Defendant

W-17-CV-00265-ADA

**ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION AND
DISMISSING PLAINTIFF'S APPEAL**

Before the Court is the Report and Recommendation of United States Magistrate Judge Manske. ECF No. 35. The report recommends that the final decision of the Administrative Law Judge be affirmed. The action was referred to Judge Manske for findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(B), Federal Rule of Civil Procedure 72, and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. The Report and Recommendation was filed on September 25, 2018.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the Report and Recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a Report and Recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglas v. United Service Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (*en banc*). Plaintiff filed an objection to the Report and

Recommendation on October 12, 2018. In light of the Plaintiff's objections, the Court has undertaken a *de novo* review of the case file in this cause. Having carefully reviewed the Magistrate Judge's Report and Recommendation, the Plaintiff's objections to the Report and Recommendation, and this case file, the Court does not dispute the Magistrate Judge's findings or recommendations.

IT IS THEREFORE ORDERED that the Plaintiff's objections to the Report and Recommendation of the United States Magistrate Judge, (ECF No. 38) are **OVERRULED**.

IT IS FURTHER ORDERED that the Report and Recommendation of the United States Magistrate Judge, (ECF No. 35), is **ACCEPTED AND ADOPTED**.

IT IS FURTHER ORDERED that the Administrative Law Judge's denial of George Otto Carl Riley's application for Disability Insurance Benefits is **AFFIRMED**.

IT IS FINALLY ORDERED that this appeal is **DISMISSED**.

SIGNED this 13th day of November, 2018.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE